

STATE OF HAWAI'I

STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAI'I 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
February 9, 2018

The Honorable Representative Roy M. Tokumi, Chair House Committee on Consumer Protection & Commerce Twenty-Ninth Legislature State Capitol State of Hawaii Honolulu. Hawaii 96813

Dear Representative Tokumi and Members of the Committee:

SUBJECT: HB 1919 - Relating to Housing

The State Council on Developmental Disabilities **SUPPORTS HB 1919.** The bill Authorizes the incorporation of housing visitability standards in the construction and renovation of publicly funded residential housing.

As outlined in the Centers on Disability Studies report, *Analysis of Impediments to Fair Housing Choice with a Focus on People with Disabilities*; the report explains that Hawai'i's people with mobility impairments tend to face a substantial impediment, namely the lack of housing that is both affordable and accessible for wheelchair users. A major report recommendation is; all new housing in Hawaii meet at least the lowest level of accessibility according to international and U.S. building code standards, labeled Type C. Type C housing is also known as "visitable" because it enables people with mobility challenges to visit their friends and neighbors, thereby reducing their social isolation.

In January 2014, the Centers for Medicare and Medicaid Services (CMS) https://medquest.hawaii.gov/content/dam/formsanddocuments/resources/member-resources/my-choice-my-way/HCBSFinalRuleSummary.pdf issued new regulations, termed the Final Rule, that require home and community-based services to be provided in community settings. The purpose of the rules is to ensure people not only live in the community, but have the opportunities to access the benefits of community life. Including; having a home that is visitable and accessible for family and friends to visit. Providing freedom and support for individuals with disabilities to control their own schedules and to have visitors of their choosing at any time.

Thank you for the opportunity to submit testimony supporting HB 1919.

Sincerely,

Daintry Bartoldus
Executive Administrator



DISABILITY AND COMMUNICATION ACCESS BOARD

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February 9, 2018

TESTIMONY TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

House Bill 1919, HD1 - Relating to Housing

The Disability and Communication Access Board (DCAB) supports the intent of House Bill 1919, HD1 increasing access to housing options for people with disabilities. We have comments on this bill as follows:

- The seven technical specifications listed are too vague. Terms such as "wide enough" are not measurable. We suggest to reference the International Code Council (ICC) Residential Building Code, Type C Units.
- The bill proposes that a new section §107 require the state incorporate visitability standards in the state building code. However, §107-28 gives the county authority to amend and adopt the state building code as they apply within their respective jurisdictions. This includes accessibility provisions. Modifying the state code may not accomplish the intended purpose as it can be amended at the county level.
- The bill does not indicate who will review, confirm, or certify conformance to the design guideline. Our experience shows that without a review process, designers will not know how to meet the requirements if the guidelines are not in the local building code.
- Visitability guidelines are typically for new construction only, as are fair housing accessibility guidelines.
- Most importantly, HD1 states "may" rather than "shall." A bill stating that housing "may" comply has no teeth and may render the rest of the amendments moot.

Thank you for the opportunity to provide comments.

Respectfully submitted,

FRANCINE WAI Executive Director



STATE OF HAWAII

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION 677 QUEEN STREET, SUITE 300

Honolulu, Hawaii 96813

FAX: (808) 587-0600

IN REPLY REFER TO:

Statement of
Craig K. Hirai
Hawaii Housing Finance and Development Corporation
Before the

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

February 9, 2018 at 2:00 p.m. State Capitol, Room 329

In consideration of H.B. 1919, H.D. 1 RELATING TO HOUSING.

HHFDC <u>supports the intent</u> of H.B. 1919, H.D. 1, which authorizes publicly funded residential housing to incorporate housing visitability standards. This bill is consistent with findings of the State of Hawaii Analysis of Impediments to Fair Housing Choice with a Focus on People with Disabilities dated November 2016.

The Analysis of Impediments was funded by a consortium of eight State and County housing agencies including the HHFDC. The consortium decided to focus the Analysis of Impediments on people with disabilities because most fair housing complaints submitted in Hawaii come from this protected class. The focus on people with disabilities enables a more in-depth exploration of the particular impediments that members of this protected class tend to face.

The basic values that have come to guide legislation and policy are that housing for people with disabilities should be affordable, meet their disability-related needs (particularly regarding physical accessibility), and integrated into the community to foster social inclusion. Therefore, we support the intent of legislation like H.B. 1919, H.D. 1.

Thank you for the opportunity to provide written comments on this bill.



BARBARA E. ARASHIRO EXECUTIVE ASSISTANT



STATE OF HAWAII

HAWAII PUBLIC HOUSING AUTHORITY 1002 NORTH SCHOOL STREET POST OFFICE BOX 17907 HONOLULU, HAWAII 96817

Statement of **Hakim Ouansafi**Hawaii Public Housing Authority

Before the

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Friday, February 9, 2018 2:00 PM – Room 329, Hawaii State Capitol

In consideration of HB 1919, HD1 - RELATING TO HOUSING

Honorable Chair Takumi and Members of the House Committee on Consumer Protection & Commerce, thank you for the opportunity to provide testimony concerning House Bill (HB) 1919, HD1, relating to housing.

The Hawaii Public Housing Authority (HPHA) <u>supports the intent</u> of HB 1919, HD1, which requires that all renovation or construction of publicly funded residential housing <u>may</u> incorporate housing visitability standards.

The HPHA prefers the HD1 to the original measure because it did not take into account that many of the HPHA's buildings exceed 60 years of age that would require technically infeasible structural modifications, and did not take into consideration any topographical challenges that would impose an undue financial burden on the HPHA.

For example, modifying the following 4 properties alone (out 85 HPHA properties): Palolo, Kalihi Valley Homes, Puahala Homes, and Hale Laulima, which possess specific topographical challenges due to their locations, will require approximately \$150 million under the original measure. Tenants would also need to be transferred due to water being turned off during construction of the new bathroom facilities.

The HPHA appreciates the opportunity to provide the House Committee on Consumer Protection & Commerce with the HPHA's comments regarding HB 1919, HD1. We thank you very much for your dedicated support.

Testimony Presented Before the House Committee on Consumer Protection and Commerce Friday, February 9, 2018 at 2:00 p.m.

Bv

David W. Leake, Ph.D., M.P.H.
Specialist, College of Education, Center on Disability Studies
Patricia Morrissey, Ph.D.
Director, Center on Disability Studies, College of Education
Nathan Murata, Ph.D.

Dean, College of Education

And

Michael Bruno, PhD
Interim Vice Chancellor for Academic Affairs
University of Hawai'i at Mānoa

HB 1919 HD1 – RELATING TO HOUSING

Chair Takumi, Vice Chair Ichiyama, and members of the committee:

Mahalo for the opportunity to testify today in support of HB 1919 HD1. My name is David Leake and I am here representing the Center on Disability Studies (CDS), College of Education, University of Hawai'i at Mānoa.

Over the past year or so, we have been working with many others in the informal Hawai'i Visitable Housing Coalition to incorporate simple visitability standards into residential renovation and construction. At the county level, these efforts led to adoption of a visitable housing resolution by the Honolulu City Council, and work on similar resolutions is underway on the Big Island and Maui. HB 1919 and the companion Senate bill, SB 2594, were developed over the past half year in collaboration with the Kupuna Caucus.

Visitable housing is designated as Type C, the lowest level of wheelchair accessibility according to international and U.S. building code standards. Type C is commonly referred to as "visitable" because such features enable people with mobility challenges to visit their friends and neighbors, thereby reducing their social isolation.

Visitability standards allow wheelchair users to easily go in a home through a no-step entrance, navigate hallways, access a bathroom, and turn on the lights. HB 1919 HD1 also requires use of smoke detectors that make both sound and light warning signals, to help prevent what happened in the Marco Polo fire when some people with hearing impairments were not aware of the emergency because the alarm was only via sound.

It is notable that over the lifetime of new homes, it is estimated that over two-thirds will be

inhabited by at least one person with mobility challenges. Constructing homes to be visitable potentially saves thousands of dollars on later modifications to make them accessible. HB 1919 was developed specifically for the Kupuna Caucus package to enable more seniors to age-in-place in their home of choice even as they might lose mobility. As a result, more families in Hawai'i will be able to maintain a multigenerational household, which is in tune with local cultural traditions.

From the consumer perspective, visitable housing is beneficial for people of all ages, with or without mobility impairments. With no steps to the entrance and a wide doorway, going in and out becomes easy for parents pushing a baby stroller, people temporarily on crutches due to injury, and movers of furniture.

Visitable housing and its rationale is presented in much more detail in a report that was compiled by CDS to meet the State of Hawai'i's responsibility to regularly inform the U.S. Department of Housing and Urban Development (HUD) about the "impediments to fair housing choice" it has identified and to provide a plan for reducing those impediments. CDS was engaged to conduct the study because the state and county jurisdictions with HUD funding decided to focus on impediments faced by people with disabilities, since "disability" has come to replace "race" and "religion" as the most common bases for complaints alleging housing discrimination. Our report was submitted in November 2016 and is entitled *Analysis of Impediments to Fair Housing Choice with a Focus on People with Disabilities*. It is available at:

http://www.cds.Hawaiʻi.edu/sites/default/files/imce/downloads/projects/Fair-Housing-Project-Report.pdf

The report explains that Hawai'i's people with mobility impairments tend to face a substantial impediment, namely the lack of housing that is both <u>affordable</u> and <u>accessible</u> for wheelchair users. A major report recommendation is therefore that all new housing in Hawai'i meet at least minimum Type C visitability standards.

A likely argument against HB 1919 HD1 might be that it would substantially increase construction costs, but actual on-the-ground experience indicates otherwise. Regarding a 2002 Pima County, Arizona ordinance requiring all new homes to be visitable (even privately financed ones), the county's Chief Building Official reported eight years and about 22,000 visitable homes later that:

"While these requirements were at first resisted by builders based on the fact that they would require costly changes to conventional design and construction practices, it became evident that with appropriate planning, the construction could result in no additional cost. Indeed, the jurisdiction no longer receives builder complaints regarding the ordinance and the ordinance has been so well incorporated into the building safety plan review and inspection processes that there is no additional cost to the County to enforce its requirements."

As outlined in our report, both seniors and people with disabilities tend to be overrepresented among Hawai'i's low-income residents who have great difficulty finding housing they can afford. This is especially so for wheelchair users because the most affordable housing tends to be in older walk-up apartment buildings in towns and in homes raised on stilts in rural areas.

Affordable housing is typically built with some form of public support, so the visitability requirement of HB 1919 HD1 will be of tremendous benefit to people with mobility impairments. Beneficiaries are likely to include some of the wheelchair users we might see in our neighborhoods who are homeless, thereby addressing Governor Ige's priority to provide more housing for the homeless.

States that already have laws mandating the inclusion of certain visitability standards in housing built with public support include Georgia, Kansas, Michigan, Minnesota, Ohio, Oregon, and Texas.

In our view, HB 1919 HD1 is transformational legislation. It is not just legislation that will benefit wheelchair users. It is not just legislation that will foster more social inclusion. It is legislation that will reinforce Hawaiian cultural traditions, by promoting multigenerational living and supporting seniors to age-in-place in natural environments that contribute to independence while avoiding placement in institutions.

Finally, the Center on Disability Studies stands ready to work with the Legislature to study the impact of HB 1919 HD1 on residents with disabilities and the formerly homeless who reside in publicly financed housing that is visitable.

<u>HB-1919-HD-1</u> Submitted on: 2/8/2018 1:56:57 PM

Testimony for CPC on 2/9/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments:

HB-1919-HD-1

Submitted on: 2/8/2018 2:29:46 PM

Testimony for CPC on 2/9/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Self Advocates		Support	Yes

Comments:

My name Renee Manfredi. I am the Vice President of the Self Advocacy Advisory Council. We have nearly 200 members statewide.

Our members represent individuals with disabilities and we are in strong support of HB1919.

The passaging of HB1919 will require the construction of visitable housing which will proved freedom and support to individuals with disabilities to control their own schedules and activities, including being able to visit others and have visitors of their choosing, at any time.

Thank you for the opportunity to submit testimony supporting HB1919.

HB-1919-HD-1

Submitted on: 2/9/2018 12:08:30 AM

Testimony for CPC on 2/9/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Curt Kiriu	CK Independent Living Builders	Oppose	Yes

Comments:

To Chair Takumi, Vice-Chair Ichiyama and committee members,

My name is Curt Kiriu. I would like to share a little background, if I may, so, you may understand why I am giving testimony on HB1919.

I am a licensed General Contractor and a Certified Aging-in-Place Specialist. As a Certified Aging-in-Place Specialist, I specialize performing home assessments and accessible design modification for our seniors, physically and cognitively challenged and anyone who wants to age in place in their home for their lifetime. I am a Subject Matter Expert on aging in place for the National Association of Home Builders; and contributed in updating two current classes and writing a new aging in place course in 2017. I am also an instructor for the National Association of Home Builders for this nationally recognized course. I have taught this course for the BIA of Hawaii, to contractors, architects, designers, occupational and physical therapists, realtors and other professionals.

I have given numerous presentations (for several years) on and about aging in place, universal design, visitability, accessibility and several other design methods and concepts. Some of my presentations have been for AARP, government agencies, senior groups / clubs, churches, realtors, Rotary, Lions and other non-profits; on Oahu, the neighbor islands and the mainland. So, as you can see, I am very passionate about what I do and work daily to educate others on these subjects, in Hawaii and the mainland.

I would like to make it clear, that I am in support of Visitability, but I cannot support this bill as it is currently written, because of the lack of detail in the standards and the misguided addition of Smoke Detectors with flashing lights. By including smoke detectors, it no longer has anything to do with Visitability to make a home accessible; but rather with fire safety.

Visitability is to address single family residential housing development, and not multifamily housing (condos/apartments); which new buildings typically falls under ADAAG and ADASAD guidelines; therefore, smoke detectors are a not needed as a Visitability standard. There are current Building and Fire code requirements that address fire safety, and also requirements in ADAAG and ADASAD, that ensure that smoke detectors are required in residential, multi-family and commercial structures, so to include this extraneous item to a Visitability standard isn't a sensible decision; and adds nothing to visibility for the physically challenged; who may want to visit family and/or friends.

Typically, the location of a smoke detector is located in a structure per code; but it may not be as easily seen. It is meant to be heard, therefore additional "flashing equipment" may need to be located in several locations, throughout a structure to be visible; which will increase labor and material costs for electrical and design changes by an architect. The Visitability standards, initially proposed, excluding smoke detectors, would not impact the cost of a new house, because they are basic frame work changes that can be done during the initial design stage; but by including "flashing warning lights" throughout the house, you add additional labor and material costs to a home. According to the National Association of Home Builders Chairman, "on average, regulations imposed by government at all levels account for nearly 25 percent of the final price of a new single-family home." By including smoke detectors to the visibility standards, it will raise the cost of a home by thousands of dollars; and housing will NEVER be affordable.

It was mentioned that the smoke detector was added because of the tragic fire at the Marco Polo. According to the reports, I have read, there were multiple reasons for how quick the fire spread, and one of the major factors, was the illegal installation of security screen type doors, which allowed the residents of the condo to prop their main entry (fire rated) door open. Propping fire rated doors open is a fire code violation. Main entry doors on commercial buildings, such as condos, require door closures and fire rated solid core doors. Door closures, should automatically close a door shut, when door is released.

If Visitability standards, are going to begin specifically addressing the hearing impaired, by having flashing lights, then placing Braille signage and tactile products should be included for the visually impaired. What about addressing the cognitively impaired, people who are color blind, para and quadriplegic, those who are multiple chemical sensitive (MCS) etc...? Where does the adding of products and equipment to address every disability end; and at what costs to the population looking to purchase an "affordable" home?

According to a January 5th, 2018 report on KITV, by Real Estate Firm Locations, the average median cost of a single-family home in 2017 increased 3% (from 2016), to \$760,000 and a condo increased 5% to \$410,000. The number of people are leaving Hawaii is higher, then those coming to live in Hawaii, and the main reason is the high cost of living; which includes the median cost of a home in Hawaii. Sadly, many local people cannot afford to live here and must move away from family and friends. Hawaii has the highest percentage of multigenerational households, and one of the reasons, is the generation X, Y and Millennials, cannot afford to purchase a home; regardless if it is new or 40+ years old.

In closing, smoke detectors, does not enhance making a home visitable for someone with physical challenges, so, I urge you to remove this unrelated finacial burden item from the Visitability standard, so we can truly help all future homeowners to live independently in their own home; and have those with physical challenges visit a barrier-free home.

Thank you,

Curt Kiriu

WHY HAWAII NEEDS TO MANDATE VISITABILITY IN NEW HOUSING... NOW!

WHAT ARE VISITABLE HOMES & WHY ARE THEY IMPORTANT?

Visitable homes are readily accessible to people with mobility challenges who use wheelchairs, scooters, canes, or walkers. This allows them to more easily visit friends and neighbors, thus helping to prevent their social isolation. When families live in visitable homes, members who start having difficulties moving around as they age will be grateful for the lack of barriers to mobility. This is especially important in Hawaii where we have a "silver tsunami" with the nation's fastest growth rate in the senior



part of the population. Visitable housing allows more seniors to "age-in-place" without the need for expensive home modifications or possibly being placed in a care facility.

BUT AREN'T VISITABLE HOMES EXPENSIVE?

Arguments against requiring new homes to be visitable often claim construction costs will be much higher. However, experience shows that with appropriate designs and planning, visitable homes can be built at little or no additional cost. Over the long term, visitable homes may lead to large savings because expensive modifications will not be needed when family members develop mobility problems later in life. In Hawaii, for example, adding a wheelchair ramp to an entrance costs an estimated \$3,000 to \$10,000 while making a bathroom wheelchair accessible costs \$8,000 to \$20,000. High modification costs also make it important that new homes be built with reinforced bathroom walls so grab bars can be directly installed when needed without spending hundreds of dollars making the walls strong enough.

WHY IS ACTION ON VISITABILITY NEEDED NOW?

Thousands of new homes are in the pipeline around Hawaii. On Oahu, major projects are planned around the proposed 21 HART stations, in the Kakaako neighborhood, and in the Hoopili master-planned community. Now is the time to make sure these and other developments provide housing that is up to 21st Century standards for visitability, which supports aging-in-place and Hawaii's strong tradition of having multiple generations live under the same roof.

WHAT SHOULD BE REQUIRED TO ENSURE HOUSING IS VISITABLE?

Hawaii should follow the lead of Vermont State, Arizona's Pima County (including Tucson), and the town of Bollingbrook, Illinois, in requiring that ALL new homes be built to be visitable. Ideally, the mandate will require the following six home features needed to be certified at the lowest level of accessibility (called Type C) according to U.S. and international building codes:

- ✓ at least one zero-step entrance
- ✓ interior doors with at least 32 inches of clear passage space
- ✓ at least a half bath (preferably a full bath) that is accessible on the main floor
- ✓ reinforcement in bathroom walls for future grab bar installation
- ✓ space to maneuver a wheelchair in food preparation areas
- ✓ light switches and electrical outlets within comfortable reach for all.



STATE OF HAWAII DEPARTMENT OF HEALTH

P. O. Box 3378 Honolulu, HI 96801-3378 doh.testimony@doh.hawaii.gov

Testimony COMMENTING on H.B. 1603 H.D. 1 RELATING TO HEALTH INSURANCE

REPRESENTATIVE ROY M. TAKUMI, CHAIR HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Hearing Date: February 9, 2018 Room Number: 329

1	Fiscal Implications: Not determined although a cost analysis of the proposed benefits structure
2	should be conducted and compared with the cost of providing treatment for the abuse of non-
3	opioid substances.
1	Department Testimenus The Department of Health (DOID 1 for a DOCA of

- Department Testimony: The Department of Health (DOH) defers to DCCA on the proposed amendments to HRS Chapter 431M regarding a benefits structure for inpatient and outpatient opioid treatment. The DOH, upon further study of the bill respectfully offers the following comments:
- 8 First, H.B. 1603 H.D.1 appears to favor "inpatient and outpatient treatment" but does not 9 recognize the value of all treatment modalities to treat drug addiction. ADAD employs a 10 continuum of service modalities available statewide to individuals and families with alcohol and other drug problems. The actual continuum of care to combat drug addiction includes: Pre-11 Treatment and Pre-Recovery Support, Treatment Services which include an Assessment and 12 Updated Assessments on regular intervals, Interim Services, Addiction Care Coordination, 13 14 Residential Treatment, Day Treatment, Intensive Outpatient and Outpatient Treatment; Opioid 15 Recovery Services; and Recovery Support Services which include Recovery Assessment and 16 Updated Assessment, Therapeutic Living, Clean and Sober Housing and Continuing Care
- Second, ADAD requires its contracted care providers utilize the most current version of the American Society for Addiction Medicine Patient Placement Criteria (ASAM PPC) for determining the most appropriate and effective level of care. ASAM is the "industry standard"

Services and Follow-Up Surveys.

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for determining level of care placement and also informs length of stay based on six 1 2 "dimensions". The six dimensions: 3 Explore an individual's past and current experiences of substance use and 4 withdrawal; 5 Explore an individual's health history and current physical condition; 6 Explore an individual's thoughts, emotions, and mental health issues; 7 Explore an individual's readiness and interest in changing; 8 Explore an individual's unique relationship with relapse or continued use or 9 problems; and 10 Also explore an individual's recovery or living situation, and the surrounding people, places, and things. 11 These decisions are based on the individual's response to treatment, and similar to many other 12 13 chronic illnesses are generally not static and are not easily generalized to an arbitrary timeframe. 14 Third, substance use services are already covered under most insurance plans, including 15 Medicaid, based on clinical necessity. Pre-proscribing levels of care and lengths of stay may 16 cause unforeseen impacts on the overall availability of services for persons struggling with 17 chronic substance abuse. The DOH continues to work with the Medicaid administrator of the 18 Department of Human Services to address barriers to access and quality of care. The Hawaii 19 Opioid Action Plan released in December, 2017 outlines a comprehensive and multisystemic 20 roadmap for addressing opioids and other substance abuse in the state from a balanced public 21 health/public safety approach. 22 Finally, the DOH would respectively point out that opioid misuse represents only one 23 facet of the broader addiction problem in Hawaii, since those who suffer from addiction often 24 misuse more than one substance. According to the Hawaii Opioid Action Plan (Dec. 2017): 25 There are an average of nearly 400 nonfatal overdose incidents each year, nearly 26 half of which require hospitalization; and The issue of opioid misuse and addiction cannot be fully appreciated unless seen 27

from a broader context of a chronic illness perspective, which shows that

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1	substance misuse and addiction represents significant public health and economic	
2	burdens for Hawaii:	
3	 Workplace drug tests positive for methamphetamine were 410% higher 	
4	than the national average in 2011;	
5	o Impaired driving deaths in Hawaii (2010-2014) were 39.4% compared to	
6	the national average of 30.0%; and	
7	 Data from ADAD-funded providers suggests that methamphetamine was 	
8	reported as the primary drug of choice upon admission for 53.4% of adults	
9	receiving substance misuse treatment in FY2017.	
10	Treatment admission data from 2010-2016 in Hawaii further underscores the need for a	
11	focus on the broader addiction issue in the state and for a coordinated and comprehensive	
12	approach to addiction in Hawaii.	
13	The DOH, Alcohol and Drug Abuse Division (ADAD) believes that focusing on the	
14	overall system of substance abuse prevention, treatment and recovery is paramount and that	
15	creating policy focused on one substance of abuse does not adequately encompass this goal.	
16	This stance is presented in more detail in the Hawaii Opioid Action Plan.	
17	Thank you for the opportunity to provide testimony.	